



## Justification for Non-Signature of Spouse

### To Be Used With Service Retirement Election Application (PERS-BSD-369-S)

Pursuant to Government Code Section 21261, the member's current spouse must be made aware of the selection of benefits or change of beneficiary made by a member. The spouse of a CalPERS member must acknowledge the submission of: a request for refund of contributions, election of retirement optional settlement, and designation of beneficiary for retirement death benefits.

If a spouse's signature does not appear on one of the above-named documents, the following information **MUST** be completed by the member and submitted with the application for retirement.

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Name

Social Security Number

- ☐ I am not legally married (never married, divorced, widow/er).
- ☐ I am married, but my spouse did not sign the form because either:
- ☐ I do not know and have taken all reasonable steps to determine the whereabouts of my spouse,  
OR
  - ☐ My spouse has been advised of the application and has refused to sign the acknowledgment,  
OR
  - ☐ My spouse is incapable of executing the acknowledgment because of an incapacitating mental or physical condition,  
OR
  - ☐ My spouse has no identifiable community property interest in the benefit,  
OR
  - ☐ My spouse and I have executed a marriage settlement agreement which makes the community property law inapplicable to the marriage.

**I hereby certify, under the penalty of perjury, that the foregoing information is true and correct.**

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Signature of Member

/ /  
Date